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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,621	01/30/2001	Heino Wendelrup	P12867US1	3018

27045 7590 06/21/2006

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EXAMINER

RAMPURIA, SHARAD K

ART UNIT PAPER NUMBER

2617

DATE MAILED: 06/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/772,621	<b>Applicant(s)</b> WENDEL RUP, HEINO	
	<b>Examiner</b> Sharad Rampuria	<b>Art Unit</b> 2617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### **DETAILED ACTION**

I. The Art Unit location of this application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

II. The current office-action is in response to the amendment filed on 05/26/2006.

Accordingly, Claims 1-11 are pending for further examination as follows:

#### ***Continued Examination Under 37 CFR 1.114***

III. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/26/2006 has been entered.

#### ***Claim Rejections - 35 USC § 102***

IV. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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V. Claims 1-11 are rejected under 35 U.S.C. 102 (b) as being anticipated by **Applicant admitted prior art (Application No. 09/772621)**.

As per claim 1, Applicant admitted prior art teaches:

A module for controlling an electronic device (Fig.1, Pg.1; 9-13) comprising:

A device controller having a plurality of selectable operating modes, the operating modes defining respective sets of operating parameters for functions of the electronic device, (2; Fig.1, Pg.1; 13-16)

A voice detection submodule (10; Fig.1, Pg.1; 16-18) coupled to the device controller, the submodule comprising:

An input circuit for receiving a voice signal and converting the voice signal into an electrical signal; (10; Fig.1, Pg.1; 16-18) and

A digital signal processor coupled to the input circuit; (8; Fig.1, Pg.1; 16-18)

A multi-bus for conveying electrical signals; (connections between devices; Fig.1, Pg.1; 16-18)

A device data storage coupled via the multi-bus to the voice detection sub-module and to the device controller, the device data storage adapted to store a library of voice tags of at least one user of the device; (82; Fig.1, Pg.1; 19-21)

Wherein the voice detection sub-module is operable to compare an input voice signal with the library of stored voice tags stored in the device data storage, (81; Fig.1, Pg.1; 21-26)

Wherein the device controller is adapted to output a control signal to the electronic device on the basis of the comparison by the voice detection submodule, (Pg.1; 26-Pg.2; 1)

Wherein each operating mode of the electronic device has an associated library of stored voice tags for use by the voice detection sub-module when the operating mode concerned is selected, whereupon the selection of a certain operating mode of the electronic device, the device controller is adapted-to transfer to the sub-module memory a subset of the reference voice tags from the library of stored reference voice tags in accordance with the operating mode selected (i.e. Another feature of some electronic devices, most notably mobile telephones and mobile companions/organisers, is the provision of preferred operating modes in which groups of operating parameters of the device can be set simply by choosing the appropriate operating mode, or "profile". For example, for a mobile telephone, different parameters can be set for use in a meeting compared to those required for use in a car. Examples of typical profiles for a mobile telephone are: Normal (default), Meeting, In Car, Outdoors, Portable Hands-free, and Home. Typical settings for the various profiles are shown in FIG. 3; 62; Fig.1, Pg.2; 14-26) and

Wherein the stored voice tags comprise profile data correlated to different operating modes. (i.e. In the device shown in FIG. 1, data relating to the various operating modes are stored in a profiles data area 61 of the device data storage 6, and are recalled by the controller 2;61; Fig.1, Pg.2; 14-34)

As per claim 2, Applicant admitted prior art teaches:

A module for controlling an electronic device (Fig.1; Pg.1; 9-13)

At least a device controller (2; Fig.1, Pg.1; 13-16), a digital signal processor; (8; Fig.1, Pg.1; 16-18) and a memory for storing a plurality of selectable operating modes, (6; Fig.1, Pg.1;

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26-30) each operating modes defining a set of operating parameters for functions of the electronic device, (Pg.1; 26-Pg.2; 1)

The DSP having at least one voice activation function responsive to an input voice signal (10; Fig.1, Pg.1; 16-18) and

The memory being adapted to store reference voice tags by at least one user of the device. (81; Fig.1, Pg.1; 21-26)

Wherein the reference voice tags are stored in groups, each of which relates to a specific operating mode of the device. (i.e. Another feature of some electronic devices, most notably mobile telephones and mobile companions/organizers, is the provision of preferred operating modes in which groups of operating parameters of the device can be set simply by choosing the appropriate operating mode, or "profile". For example, for a mobile telephone, different parameters can be set for use in a meeting compared to those required for use in a car. Examples of typical profiles for a mobile telephone are: Normal (default), Meeting, In Car, Outdoors, Portable Hands-free, and Home. Typical settings for the various profiles are shown in FIG. 3; 62; Fig.1, Pg.2; 14-34).

As per claim 3, Applicant admitted prior art teaches:

The module for controlling an electronic device (Fig.1; Pg.1; 9-13) according to claim 1 or 2, wherein the electronic device is a mobile telephone and having a voice activated dialing function for dialing called numbers in response to a voice input from a user, the groups of reference voice tags including references to intended called numbers. (i.e. Another feature of some electronic devices, most notably mobile telephones and mobile companions/organizers, is

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the provision of preferred operating modes in which groups of operating parameters of the device can be set simply by choosing the appropriate operating mode, or "profile". For example, for a mobile telephone, different parameters can be set for use in a meeting compared to those required for use in a car. Examples of typical profiles for a mobile telephone are: Normal (default), Meeting, In Car, Outdoors, Portable Hands-free, and Home. Typical settings for the various profiles are shown in FIG. 3; 62; Fig.1, Pg.2; 14-34).

As per claim 4, Applicant admitted prior art teaches:

The module for controlling an electronic device (Fig.1; Pg.1; 9-13) according to claim 1 or 2, wherein the electronic device is a mobile telephone and being a mobile telephone, and wherein the reference voice signals relate to specific functions of the telephone. (Pg.1; 18-26)

As per claim 5, Applicant admitted prior art teaches:

The module for controlling an electronic device (Fig.1; Pg.1; 9-13) according to claim 1 or 2, wherein the electronic device is a mobile telephone and, being a mobile telephone, wherein at least one operating mode is defined by at least one user of the telephone, the reference signal group associated with that operating mode also being defined by the user. (Pg.2; 14-34)

As per claim 6, Applicant admitted prior art teaches:

A method of operating an electronic device (Fig.1; Pg.1; 9-13) which has a plurality of operating modes for defining operating parameters of the device, and which has at least one voice activated function, (Pg.1; 13-26)

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Storing reference voice signals in groups; (81; Fig.1, Pg.1; 21-26)

Associating the said groups with respective operating modes of the electronic device.

(Pg.1; 26-Pg.2; 1)

Using an associated group of reference signals for voice signal matching in a chosen operating mode, (i.e. Another feature of some electronic devices, most notably mobile telephones and mobile companions/organizers, is the provision of preferred operating modes in which groups of operating parameters of the device can be set simply by choosing the appropriate operating mode, or "profile". For example, for a mobile telephone, different parameters can be set for use in a meeting compared to those required for use in a car. Examples of typical profiles for a mobile telephone are: Normal (default), Meeting, In Car, Outdoors, Portable Hands-free, and Home. Typical settings for the various profiles are shown in FIG. 3; 62; Fig.1, Pg.2; 14-34)

As per claim 7, Applicant admitted prior art teaches:

A method as claimed in claim 6, wherein the device is a mobile telephone. (Fig.1; Pg.1; 9-13)

As per claim 8, Applicant admitted prior art teaches:

A method as claimed in claim 7, wherein each operating mode defines a respective list of voice references to potential dialed numbers, the voice references being compared with an input voice signal to determine the number to be dialed by the telephone. (Pg.1; 26-Pg.2; 1)

As per claim 9, Applicant admitted prior art teaches:



The module for controlling an electronic device according to claim 1, further comprising the device data storage adapted to store a plurality of Libraries of voice tags, wherein each Library comprises a plurality of voice tags associated with a plurality of operating modes of the electronic device. (i.e. Another feature of some electronic devices, most notably mobile telephones and mobile companions/organizers, is the provision of preferred operating modes in which groups of operating parameters of the device can be set simply by choosing the appropriate operating mode, or "profile". For example, for a mobile telephone, different parameters can be set for use in a meeting compared to those required for use in a car. Examples of typical profiles for a mobile telephone are: Normal (default), Meeting, In Car, Outdoors, Portable Hands-free, and Home. Typical settings for the various profiles are shown in FIG. 3; 62; Fig.1, Pg.2; 14-34)

As per claim 10, Applicant admitted prior art teaches:

The module for controlling an electronic device according to claim 9, further comprising at Least one of the plurality of operating modes of the electronic device being selected from the group consisting of normal, meeting, in-car, outdoors, portable hands free, country time period and home. (i.e. Another feature of some electronic devices, most notably mobile telephones and mobile companions/organizers, is the provision of preferred operating modes in which groups of operating parameters of the device can be set simply by choosing the appropriate operating mode, or "profile". For example, for a mobile telephone, different parameters can be set for use in a meeting compared to those required for use in a car. Examples of typical profiles for a

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mobile telephone are: Normal (default), Meeting, In Car, Outdoors, Portable Hands-free, and Home. Typical settings for the various profiles are shown in FIG. 3; 62; Fig.1, Pg.2; 14-34)

As per claim 11, Applicant admitted prior art teaches:

The module for controlling an electronic device according to claim 9, wherein the plurality of operating modes comprise at Least normal, meeting, in-car, outdoors, portable hands free, country time period and home. (i.e. Another feature of some electronic devices, most notably mobile telephones and mobile companions/organizers, is the provision of preferred operating modes in which groups of operating parameters of the device can be set simply by choosing the appropriate operating mode, or "profile". For example, for a mobile telephone, different parameters can be set for use in a meeting compared to those required for use in a car. Examples of typical profiles for a mobile telephone are: Normal (default), Meeting, In Car, Outdoors, Portable Hands-free, and Home. Typical settings for the various profiles are shown in FIG. 3; 62; Fig.1, Pg.2; 14-34)

*In addition, based on different reference as follows:*

### ***Claim Rejections - 35 USC § 102***

VI. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

VII. Claims 1-9 are rejected under 35 U.S.C. 102 (e) as being anticipated by Barber (US 6198947).

As per claims 1-2, 6, Barber teaches:

A module (26; Fig.1, Col.5; 1-13, Abstract) for controlling an electronic device (12, Fig.1, Col.5; 1-13, Abstract) comprising:

A device controller (108; Fig.4, Col.6; 19-50) having a plurality of selectable operating modes, the operating modes defining respective sets of operating parameters for functions of the electronic device, (i.e. HOME, OFFICE, MOM; Col.9; 25-52)

A voice detection submodule (96; Fig.3, Col.5; 32-46) coupled to the device controller, the submodule comprising:

An input circuit for receiving a voice signal and converting the voice signal into an electrical signal; (34; Fig.1, Col.5; 14-31) and

A digital signal processor having sub-module memory coupled to the input circuit; (120; Fig.4, Col.6; 19-50)

A multi-bus for conveying electrical signals; (22; Fig.1, Col.5; 1-13)

A device data storage coupled via the multi-bus to the voice detection sub-module and to the device controller, the device data storage adapted to store a library of reference voice tags of at least one user of the device; (120; Fig.4, Col.6; 19-50)

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Wherein the voice detection sub-module is operable to compare an input voice signal with the library of stored reference voice tags transferred from the device data storage to the sub-module memory, (120; Fig.4, Col.6; 19-50)

Wherein the device controller is adapted to output a control signal to the electronic device on the basis of the comparison by the voice detection submodule, (120; Fig.4, Col.6; 19-50)

Wherein each operating mode of the electronic device has an associated library of stored reference voice tags for use by the voice detection sub-module when the operating mode concerned is selected, (i.e. NAM memory 120 stores the telephone number for the portable 12, electronic serial number information, personal & vehicle options, and other parameters required for proper operation of the phone, etc. Assigned user storage 116 stores telephone numbers and assigned alpha-numeric descriptions (names) in a scrollable and individually addressable arrangement; scratchpad memory 126 temporarily stores unassigned telephone numbers in scrollable form; and current dialing sequence memory 122 temporarily stores the telephone number which will be used to initiate the next call. Speaker and microphone circuitry 110 supports the internal speaker 32 and microphone 34 (FIG. 2) which are operational when the portable 12 is not in a handsfree mode, and keys circuit 112 supports normal key entry on cellular telephone keypad 42 (FIG. 2) and up/down keys 36, 38 (FIG. 2) of portable 12; Col.6; 19-50, HOME, OFFICE, MOM; Col.9; 25-Col.11; 17) and

Wherein the stored reference voice tags comprise profile data correlated to different operating modes. (i.e. HOME, OFFICE, MOM; Col.9; 25-52) and

Whereupon the selection of a certain operating mode of the electronic device, the device controller is adapted-to transfer to the sub-module memory a subset of the reference voice tags

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from the library of stored reference voice tags in accordance with the operating mode selected.

(i.e. NAM memory 120 stores the telephone number for the portable 12, electronic serial number information, personal & vehicle options, and other parameters required for proper operation of the phone, etc. Assigned user storage 116 stores telephone numbers and assigned alpha-numeric descriptions (names) in a scrollable and individually addressable arrangement; scratchpad memory 126 temporarily stores unassigned telephone numbers in scrollable form; and current dialing sequence memory 122 temporarily stores the telephone number which will be used to initiate the next call. Speaker and microphone circuitry 110 supports the internal speaker 32 and microphone 34 (FIG. 2) which are operational when the portable 12 is not in a handsfree mode, and keys circuit 112 supports normal key entry on cellular telephone keypad 42 (FIG. 2) and up/down keys 36, 38 (FIG. 2) of portable 12; Col.6; 19-50, HOME, OFFICE, MOM; Col.9; 25-Col.11; 17).

As per claim 3, Barber teaches:

The module for controlling an electronic device (Fig.1; Pg.1; 9-13) according to claim 1 or 2, wherein the electronic device is a mobile telephone and having a voice activated dialing function for dialing called numbers in response to a voice input from a user, the groups of reference voice tags including references to intended called numbers. (i.e. HOME, OFFICE, MOM; Col.9; 25-52).

As per claim 4, Barber teaches:

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The module for controlling an electronic device according to claim 1 or 2, wherein the electronic device is a mobile telephone and being a mobile telephone, and wherein the reference voice signals relate to specific functions of the telephone. (i.e. muting, volume changes; Col.9; 25-52)

As per claim 5, Barber teaches:

The module for controlling an electronic device according to claim 1 or 2, wherein the electronic device is a mobile telephone and, being a mobile telephone, wherein at least one operating mode is defined by at least one user of the telephone, the reference signal group associated with that operating mode also being defined by the user. (i.e. HOME, OFFICE, MOM; Col.9; 25-52)

As per claim 7, Barber teaches:

A method as claimed in claim 6, wherein the device is a mobile telephone. (12, Fig.1, Col.5; 1-13, Abstract)

As per claim 8, Barber teaches:

A method as claimed in claim 7, wherein each operating mode defines a respective list of voice references to potential dialed numbers, the voice references being compared with an input voice signal to determine the number to be dialed by the telephone. (i.e. quick dial, Col.5; 32-46)

As per claim 9, Barber teaches:

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The module for controlling an electronic device according to claim 1, further comprising the device data storage adapted to store a plurality of Libraries of voice tags, wherein each Library comprises a plurality of voice tags associated with a plurality of operating modes of the electronic device. (i.e. muting, volume changes; Col.9; 25-52)

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

VIII. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barber (US 6198947) in view of Finke-Anlauff [US 5479476].

As per claims 10-11, Barber disclose all the particulars of the claim except at least one of the plurality of operating modes of the electronic device being selected from the group consisting of normal, meeting, in-car, outdoors, portable hands free, country time period and home. However, Finke-Anlauff teaches in an analogous art that the module for controlling an electronic device according to claim 9, further comprising at least one of the plurality of operating modes of the electronic device being selected from the group consisting of normal, meeting, in-car, outdoors, portable hands free, country time period and home. (Col.3; 57-Col.4; 12, Col.5; 3-67) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Barber including at least one of the plurality of operating modes of the electronic

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device being selected from the group consisting of normal, meeting, in-car, outdoors, portable hands free, country time period and home in order to provide a mobile telephone has a plurality of user adjustable operating characteristics, such as the volume of an output signal, the ringing volume, and the generation of tones.

***Response to Amendments & Arguments***

IX. ***Applicant's arguments filed on 05/26/2006 have been fully considered but they are not persuasive.***

Furthermore, Applicant respectfully disagrees about the cited passage in the given references. However, the determination of anticipation is still based upon the ***Barber*** reference as follows. Applicant argues that ***Barber*** doesn't teaches "an associated library of stored voice tags for use by the voice detection sub-module when the operating mode is concerned." Relatively, Barber discloses voice tags (i.e. NAM memory 120 stores the telephone number for the portable 12, electronic serial number information, personal & vehicle options, and other parameters required for proper operation of the phone, etc. Assigned user storage 116 stores telephone numbers and assigned alpha-numeric descriptions (names) in a scrollable and individually addressable arrangement; scratchpad memory 126 temporarily stores unassigned telephone numbers in scrollable form; and current dialing sequence memory 122 temporarily stores the telephone number which will be used to initiate the next call. Speaker and microphone circuitry 110 supports the internal speaker 32 and microphone 34 (FIG. 2) which are operational when the portable 12 is



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not in a handsfree mode, and keys circuit 112 supports normal key entry on cellular telephone keypad 42 (FIG. 2) and up/down keys 36, 38 (FIG. 2) of portable 12; Col.6; 19-50, HOME, OFFICE, MOM; Col.9; 25-Col.11; 17), which presumably are all loaded into DSP memory from the device memory, regardless of the operating mode concerned. Examiner still apparently seeing that voice tags for example "HOME" can operate the numerous memory location of the directory which includes modes like muting, volume changes, quick dialing etc. (please see Col.9; 25-47).

With the intention of above discussion, *Barber* can easily read as the claimed limitation. Consequently as one skill in the art would distinguish the *Barber* edify the claimed limitations. Therefore, it is believed and as enlighten above, the rejections should be sustained.

### ***Conclusion***


X. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F. (8:30-5).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or [EBC@uspto.gov](mailto:EBC@uspto.gov).

Sharad Rampuria  
Examiner  
Art Unit 2617

  
GEORGE ENG  
SUPERVISORY PATENT EXAMINER